

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEEWALD,  
JINGER VUOLO, and JOY DUGGAR**

**PLAINTIFFS**

**vs.**

**CASE NO. 5:17-5089-TLB**

**CITY OF SPRINGDALE, ARKANSAS;  
WASHINGTON COUNTY, ARKANSAS;  
KATHY O’KELLEY, in her individual and  
official capacities;  
ERNEST CATE, in his individual and official capacities;  
RICK HOYT, in his individual and official capacities;  
STEVE ZEGA, in his official capacity;  
BAUER PUBLISHING COMPANY, L.P.;  
BAUER MAGAZINE, L.P.;  
BAUER MEDIA GROUP, INC.;  
BAUER, INC.;  
HEINRICH BAUER NORTH AMERICA, INC.;  
BAUER MEDIA GROUP USA, LLC; and  
DOES 1-10, inclusive**

**DEFENDANTS**

**RENEWED MOTION TO STAY ON BEHALF OF SEPARATE DEFENDANTS ERNEST  
CATE, IN HIS INDIVIDUAL CAPACITY; and KATHY O’KELLEY, IN HER  
INDIVIDUAL CAPACITY**

COME NOW the Separate Defendants, Ernest Cate (“Cate”), in his individual capacity, and Kathy O’Kelley (“O’Kelley”), in her individual capacity (collectively referred to herein as the “Springdale Defendants”), by and through the undersigned attorneys, and for their Motion to Stay (“Motion”), state:

1. Because of the issue of qualified immunity, and the jurisprudence governing litigation of claims when qualified immunity is claimed, the Springdale Defendants request that the Court stay this proceeding pending the interlocutory appeal to the United States Court of Appeals for the Eighth Circuit on immunity grounds. The Springdale Defendants request that the stay include a stay of the Rule 26(f) Conference, Initial Disclosures pursuant to Fed. R. Civ.

P. 26(a)(1), Rule 26(f) Report, any other action required under Fed. R. Civ. P. 26, Case Management Hearing, deadlines to amend the pleadings or file third party claims, any further scheduling, discovery, and trial.

2. This Motion is for good cause and no prejudice will result to any party. Rather, judicial resources will be preserved and litigation costs by be reduced as a result of the requested stay.

3. Separate Defendants are filing a Brief in Support contemporaneously with this Motion and it is adopted by reference pursuant to Federal Rule of Civil Procedure 10(c).

WHEREFORE the Springdale Defendants respectfully request that this Court stay any and all pre-trial proceedings in this case until such time as the interlocutory appeal is resolved.

Respectfully Submitted,

/s/ Thomas N. Kieklak

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**COUNSEL FOR SPRINGDALE  
DEFENDANTS**

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on the 10<sup>th</sup> day of October, 2017, a true and correct copy of the above and foregoing Motion to Stay on Behalf of Separate Defendants was filed with the Clerk via the CM/ECF system which will send notification of filing to the following:

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